

ASSEMBLY BILL

No. 1407

Introduced by Assembly Member Wolk

February 21, 2003

An act to amend Section 714 of the Civil Code, relating to solar energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1407, as introduced, Wolk. Solar energy systems.

Existing law provides that any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting real property, as specified, that prohibits or restricts the installation or use of a solar energy system is void and unenforceable. Existing law requires that solar collectors meet the standards and requirements imposed by state and local permitting authorities, as specified.

This bill would specify that a public entity is subject to the requirements described above, and may not receive funds from a state-sponsored grant or loan program for solar energy if it fails to comply with these requirements. This bill would also specify that a local public entity may not except residents in its jurisdiction from these requirements.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 714 of the Civil Code is amended to
2 read:

1 714. (a) (1) Any covenant, restriction, or condition
2 contained in any deed, contract, security instrument, or other
3 instrument affecting the transfer or sale of, or any interest in, real
4 property that effectively prohibits or restricts the installation or use
5 of a solar energy system is void and unenforceable.

6 (2) (A) *A public entity is subject to the requirements of this*
7 *section, and may not receive funds from a state-sponsored grant or*
8 *loan program for solar energy if it fails to comply with these*
9 *requirements.*

10 (B) *A local public entity may not except residents in its*
11 *jurisdiction from the requirements of this section.*

12 (b) This section shall not apply to provisions which impose
13 reasonable restrictions on solar energy systems. However, it is the
14 policy of the state to promote and encourage the use of solar energy
15 systems and to remove obstacles thereto. Accordingly, reasonable
16 restrictions on a solar energy system are those restrictions that do
17 not significantly increase the cost of the system or significantly
18 decrease its efficiency or specified performance, or that allow for
19 an alternative system of comparable cost, efficiency, and energy
20 conservation benefits.

21 (c) Solar collectors shall meet applicable standards and
22 requirements imposed by state and local permitting authorities.
23 Specifically, solar energy systems shall be certified by the Solar
24 Rating Certification Corporation (SRCC) or other nationally
25 recognized certification agencies. SRCC is a nonprofit third party
26 supported by the United States Department of Energy. The
27 certification shall be for the entire solar energy system and
28 installation. A solar energy system shall also meet all applicable
29 safety and performance standards established by the National
30 Electrical Code, the Institute of Electrical and Electronics
31 Engineers, and accredited testing laboratories such as
32 Underwriters Laboratories and, where applicable, rules of the
33 Public Utilities Commission regarding safety and reliability.

34 (d) For the purposes of this section:

35 (1) “Significantly” means an amount exceeding 20 percent of
36 the cost of the system or decreasing the efficiency of the solar
37 energy system by an amount exceeding 20 percent, as originally
38 specified and proposed.

39 (2) “Solar energy system” has the same meaning as defined in
40 Section 801.5.

1 (e) Whenever approval is required for the installation or use of
2 a solar energy system, the application for approval shall be
3 processed and approved by the appropriate approving entity in the
4 same manner as an application for approval of an architectural
5 modification to the property, and shall not be willfully avoided or
6 delayed.

7 (f) Any entity, other than a public entity, that willfully violates
8 this section shall be liable to the applicant or other party for actual
9 damages occasioned thereby, and shall pay a civil penalty to the
10 applicant or other party in an amount not to exceed one thousand
11 dollars (\$1,000).

12 (g) In any action to enforce compliance with this section, the
13 prevailing party shall be awarded reasonable attorney's fees.

